

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	No. CV 07941 BB
)	
)	RIO CHAMA Stream System
)	
ROMAN ARAGON, <i>et al.</i> ,)	Sections 3, 5 and 7
)	
Defendants.)	
_____)	

**JOINT MOTION TO AMEND SCHEDULING ORDER
FOR ADJUDICATION OF WILD AND SCENIC RIVER CLAIM**

The State of New Mexico *ex rel* State Engineer (õStateö) and the United States of America (õUnited Statesö) by and through their counsel, jointly move the Court to amend the July 18, 2005 Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims (Docket No. 7952) to allow the parties to continue their negotiations on an agreement resolving the United Statesøclaim. The grounds for this motion are as follows:

1. The Initial Scheduling and Pretrial Order required the United States to inform the Court in writing by August 5, 2005 whether the United States and the State had reached agreement on the flow numbers for the federal reserved water right. As the State and the United States have reported to the Court, most recently in the Joint Status Report filed February 16, 2007 (No. 8562), the parties are continuing their negotiations on the resolution of the United StatesøWild and Scenic Rivers Act claim (õWSRA claimö), and believe an agreement is likely. The State and the United States have been focused on the adjudication of the Wild and Scenic Rivers Act claim on the Rio Jemez,

where a final agreement has been reached. The parties are currently in the process of presenting the agreement to the Court as a partial final judgment and decree. Additional proceedings, however, may be necessary prior to the final entry of the partial final judgment and decree.

2. Now that an agreement on the Jemez WSRA claim has been reached, the State and the United States are refocusing their efforts on reaching a final agreement on the Rio Chama WSRA claim, which involves additional technical issues not present on the Rio Jemez. The State is preparing to reinstate negotiations with the United States and plans to have a proposal to present to the United States by July 13, 2007. Once the United States and the State have reached an agreement the Acequias Nortenas will be consulted in an effort to reach agreement with them as well. The parties will report on their progress toward a final agreement at the next status conference, currently set for August 7, 2007.

3. The parties continue to believe that litigation is not necessary at this time, and therefore request the Court not to set any pretrial deadlines for the litigation of the United States' WSRA claim.

Respectfully submitted:

/s/Arianne Singer
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/telephonically approved/

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June 2007, I filed the foregoing electronically through the CM/EDF system.

/s/
Arianne Singer